

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re:**

**ARCH COAL, INC., *et al***

**Debtors.**

**Chapter 11**

**Case No. 16-40120-705**

**(Jointly Administered)**

**Related to Docket No. 979**

**AGREED ORDER PURSUANT TO 11 U.S.C. § 362(d) AUTHORIZING LIMITED  
RELIEF FROM THE AUTOMATIC STAY**

On June 16, 2016, the Montana Department of Environmental Quality (“DEQ”) filed a motion (the “Motion”) <sup>1</sup> for an order, pursuant to Section 362(d) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 4001 of the Federal Rules of Bankruptcy Procedure and Rule 4001-1 of the Local Rules for the Eastern District of Missouri, granting relief from the automatic stay to effectuate a setoff against Debtor Otter Creek Coal, LLC (the “Otter Creek Debtor”).

This Court having jurisdiction to consider the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having venue pursuant to 28 U.S.C. §§ 1408 and 1409; and DEQ having represented that they provided proper and sufficient notice; and the Court having reviewed the Motion; and the Debtors and the DEQ having agreed to entry of this order (this “Agreed Order”) to resolve the Motion; and the Court having determined that there exists the required basis for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation; the Court ORDERS that:

1. The relief requested in the Motion is hereby GRANTED as set forth herein.
2. The automatic stay pursuant to section 362 of the Bankruptcy Code, to the extent

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<sup>1</sup> Each capitalized term used herein but not otherwise defined herein shall have the meaning ascribed to it in the Motion.

applicable to the relief requested in the Motion, is hereby modified pursuant to section 362(d) of the Bankruptcy Code solely for the limited purposes of allowing DEQ to set off the DEQ Accounts Receivable in the amount of \$17,413.20 against the \$125,0000 credit owed to the Otter Creek Debtor (the "Otter Creek Credit").

3. Within five business days of entry of this Agreed Order, DEQ shall remit the remaining balance of the Otter Creek Credit in the amount of \$107,586.80 to the Otter Creek Debtor in accordance with 11 U.S.C. §§ 542(b) and 553(a).

4. Except as set forth herein, the automatic stay under section 362 remains in full force and effect.

5. Notwithstanding any Bankruptcy Rule (including, but not limited to, Bankruptcy Rule 6004(h)) or Local Rule of the Bankruptcy Court for the Eastern District of Missouri that might otherwise delay the effectiveness of this Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

6. DEQ has represented that proper, timely, adequate and sufficient notice of the Motion has been provided in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court for the Eastern District of Missouri.

7. No later than 7 days after the date of this order, DEQ is directed to serve a copy of this Agreed Order on the Core Parties and the Non-ECF parties (each as defined in the *Order Establishing Certain Notice, Case Management and Administrative Procedures* on January 21, 2016 [ECF No. 155]) and is directed to file a certificate of service no later than 24 hours after service.

DATED: August 11, 2016  
St. Louis, Missouri 63102  
mtc

  
CHARLES E. RENDLEN, III  
U.S. Bankruptcy Judge

**Order Prepared By:**

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